

**California Regional Water Quality Control Board**  
**San Francisco Bay Region**  
**EXECUTIVE OFFICER'S REPORT**  
A Monthly Report to the Board and Public

**July 2007**

*The next regular scheduled Board meeting is July 11, 2007.*

See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda

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**Dyan Whyte and Tom Mumley Appointed Assistant EOs (Bruce Wolfe)**

After a lengthy and cumbersome appointment process, I have appointed Dyan Whyte and Tom Mumley as the Region's two Assistant Executive Officers, effective July 2. Since Larry Kolb and Steve Morse's retirements last summer, we have relied on a rotation of Dyan, Tom, Stephen Hill, Wil Bruhns, Shin-Roei Lee, and Sandi Potter as acting Assistant EOs. All have acted capably in covering selected assistant EO duties while continuing their regular assignments, but having Dyan and Tom fulltime will allow us to reinstate and expand a number of management initiatives that have been on hold since Larry and Steve's retirements. I look forward to having them working closely with me.

Dyan has most recently been section leader of the TMDL section in the Planning and TMDL Division in a Senior Engineering Geologist classification. She began her civil service career in 1985 while working as a student intern at the North Coast Regional Water Board. In 1988 she took a full time position in our Region after graduating with a degree in environmental geology from Sonoma State University. While working at the Water Board, she later completed her M.S. in Environmental Geology at UC Berkeley, where her research focused on mercury transport in streams. Before becoming section leader at the Board she worked in the Underground Tank Cleanup Program and Basin Planning.

Tom has most recently been division chief of the Planning and TMDL Division in a Supervising Water Resource Control Engineer classification. He started at the Board in

1984, after receiving his Ph.D. in Chemical Engineering from UC Berkeley in 1983 and B.S. in Chemical Engineering from the University of Massachusetts in 1976. While at the Board, he has worked in the basin planning, wastewater NPDES, stormwater NPDES, nonpoint source, watershed management, and industrial waste management programs before becoming division chief.

**Dr. Teng-Chung Wu Pollution Prevention Award (Heather Ottaway)**

At the Water Board's request, we are initiating an annual award in memory of Dr. Teng-Chung Wu. The award will recognize excellence and collaboration in pollution prevention (P2). We released an award application package on June 25, and agencies in the San Francisco Bay Region that have demonstrated outstanding achievement or innovation through their P2 programs or projects are eligible to apply. The application is available on the Water Board website at <http://www.waterboards.ca.gov/sanfranciscobay>.

Applications must be completed by August 6. We will announce the winner(s) August 31 and present the award(s) at the September Board meeting, which coincides closely with Pollution Prevention Week, the third week of September.

The award recognizes Dr. Wu's dedication to water quality issues and P2 during his 35 years of service with the Water Board. Considered the grandfather of P2, Dr. Wu introduced a collaborative regional approach to P2 and was committed to reaching out to others to educate them about wastewater treatment and P2. In line with Dr. Wu's beliefs, the application encourages agencies that have worked together on a regional P2 project or have conducted a project that benefits others in the region to apply. The specific evaluation criteria categories include leadership and innovation; commitment; measurable results; and benefits to the environment, the community, or workers.

**California Water Plan Regional Workshop (Dale Hopkins)**

On June 25, Board staff attended a regional workshop at the Oakland State Building that was convened by the Department of Water Resources (DWR) and hosted by the Bay Area Water Forum to share information and ideas on preparing the 2009 California Water Plan. This was the first of a series of regional meetings and forums that DWR intends to hold around the State in the next three years. Approximately 60 people attended, representing state and local agencies, elected officials, water districts, and environmental groups, to share their suggestions on how to make the Water Plan useful and relevant to statewide stakeholders. DWR emphasized its strong interest in having other state agencies involved in the planning process. It has set up a State Agency Steering Committee that includes 17 agencies who have responsibilities that affect water supply and water quality in California (including the Business Transportation and Housing Agency, CalFed, Department of Fish and Game, State Water Board, Department of Health Services, etc.).

After an introduction to the elements of the 2005 Water Plan, the Regional Report for the Bay Area (one of 10 hydrologic regions in the State), and the changes made to the current Plan process, there were small group discussions and reports back on specific topics relating to both statewide and regional issues, similar to the process used during the State

Water Board's Strategic Plan workshop held here on June 13. Some of the common themes from participants were that the Water Plan should address climate change, particularly sea level rise; be a true plan with performance measures and targets; provide clear and strong guidance on ensuring collaborative and inclusive Integrated Regional Water Management planning in the Bay Area; facilitate information, water supply and funding sharing within the Region or even cross the regions; tie land use to water use; and address environmental justice. Board staff also asked DWR to include an emphasis on stormwater reuse in the Plan. DWR emphasized its interest in continuing to make this process collaborative and broad-based, as well as its interest in promoting sustainable resource management. It also discussed its intention to incorporate flood management into the Plan.

The planning process will take three years, with three rounds of regional workshops at different locations throughout the State. Each year after the regional workshops, there will be a Regional Forum and a Plenary Session to gather delegates from all regions to discuss cross-regional issues that should be considered in a statewide plan. In addition to participating in these regional workshops, the Regional Water Boards can provide input on the Water Plan via the State Water Board. Locally, Water Plan updates and discussion will continue at future Bay Area Water Forum meetings. This process appears to be an excellent opportunity for the Board to develop a stronger partnership with DWR and other State agencies as we move ahead with our own Strategic Planning process and the ongoing update of the San Francisco Estuary Project's Comprehensive Conservation and Management Plan to address the many complex water issues of the coming decades in the Bay Area as well as in California.

More information on the California Water Plan is available at [www.waterplan.ca.gov](http://www.waterplan.ca.gov).

### **Bay Hydrodynamic Modeling supported by Ocean Protection Council (Bruce Wolfe)**

At its June 14 meeting, I testified at the Ocean Protection Council in support of a proposal to develop a Bay-wide three-dimensional hydrodynamic and sediment transport model and for the Council to provide \$858,000 for its implementation. Three principal investigators from UC Berkeley and Stanford would develop the model over the next three years. The Council agreed to the proposal and its funding.

In my testimony, I noted that use of the proposed model would help us in our permitting of restoration projects in the Bay by predicting how those projects in the Bay will interact with the existing estuarine system, including changes in local tidal dynamics, salinity and suspended sediment concentrations. This would help us not only make better management decisions surrounding restoration projects, but also provide a stronger rationale why our management decisions should lead to a successful restoration. I further stated that the model's ability to predict how current and proposed restoration activities in the Bay will affect suspended sediment concentrations would be invaluable in ensuring that those restoration activities are consistent with sediment-based TMDLs and are being implemented in a manner that supports, rather than hinders, implementation of these TMDLs. Finally, I noted that this model would be the first widely accessible tool available

for helping all parties responsible for the Bay make the difficult decisions climate change and subsequent sea level rise poses to us.

The Ocean Protection Council, established by the Legislature in 2004, is chaired by Secretary of Resources Mike Chrisman, and is charged with helping coordinate and improve the protection and management of the state's ocean and coastal resources.

### **Tesoro Pittsburg Coke Terminal (Rico Duazo)**

During the March 2006 Board meeting, the Board heard comments from staff, Tesoro, the City of Pittsburg, BayKeeper, and concerned local citizens regarding Tesoro's operation of its marine coke loading terminal in Pittsburg. The main issues were the discharge of fugitive windborne coke dust from open coke piles at the terminal and its effects on the local surroundings, and the need to use Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Technology (BCT) management practices.

Following the Board meeting, I issued a letter requiring Tesoro to submit a technical report identifying corrective actions, with implementation schedules, to achieve BAT/BCT standards at the terminal. Tesoro responded to my letter and submitted its report in May 2006. Board staff inspected the terminal on May 29, 2007, to determine the status of the proposed corrective actions.

Several of the proposed actions were implemented immediately and consisted mostly of improved procedures and housekeeping to reduce the chance of windborne dust migration (e.g., minimizing stockpile heights, increased sweeping of the terminal and adjacent streets, and limiting the maximum volume of coke to be stored at the terminal). Other proposed actions required construction and/or feasibility studies and were completed within the past year. These were:

- Staging area fencing has been raised from 14 feet to 16 feet
- Stockpile stacker belt is now enclosed
- Maintenance area perimeter fence has been installed
- Loading tower and final transfer point to ship are now enclosed
- Mist curtain has been designed for use in cargo holds
- Water suppression system for the stockpile area has been improved with a new high pressure pump and new high flow sprinklers.

In July 2006, the Pittsburg City Council approved an agreement with Tesoro concerning the final use of the Pittsburg Terminal. Currently, neither Tesoro nor any third party has any plans to construct a facility to fully enclose petroleum coke stored at the site. Therefore, according to the agreement, Tesoro will cease storing coke in open stock piles no later than July 31, 2009.

**Grazing Waiver Development (Carmen Fewless)**

Board staff are planning a California Environmental Quality Act (CEQA) scoping meeting as an initial step in the Board's consideration of issuing a Waiver of Waste Discharge Requirements to Grazing Facilities in the Tomales Bay Watershed. This waiver would implement a requirement of the Tomales Bay Pathogen TMDL adopted in 2005. The waiver, when adopted by the Board, would establish management practices for grazing activities that are designed to minimize pathogen discharges to waterways and Tomales Bay. The CEQA scoping meeting will take place the evening of August 23, 2007, at the Point Reyes Dance Palace. This effort refocuses prior discussions with ranchers and local agencies in the Tomales Bay area held over three meetings in late 2005 and early 2006. Prior to the scoping meeting, Board staff from the TMDL and Watershed Sections will be attending a Livestock Production and Grazing Orientation presented by the University of California Cooperative Extension, designed to increase our shared understanding of California's working landscapes. We will report back on comments received during this scoping meeting.

**St. Helena Flood Control Project (A.L. Riley)**

Board staff has certified a multi-objective flood damage reduction - river restoration project on the Napa River located at the City of St. Helena. Project review was coordinated with the State Water Board, which recently approved a State Revolving Fund Loan to support partial funding of the project. The approved project is a component of the "Living River Coalition Plan" which the Board was instrumental in helping develop between 1997-2000 to resolve flooding and other river management issues for the City of Napa, up-valley communities and vineyard owners in the 400-square mile Napa River watershed.

This project represents the new generation of flood "control" projects, which our agency has been encouraging, by combining relocations of structures from flood hazard areas and restoring floodplain areas. The floodplain restoration removes old failing bank structures, and returns eight acres of riparian forest to the river. The City is buying out 17 mobile home sites and removing them from the river bank. The floodplain restoration also enables the replacement of a stormwater discharge from a pipe by redirecting the discharge to a recreated tributary through the restored floodplain before it reaches the river. The project should benefit the river salmonids and California freshwater shrimp. Water quality benefits will accrue from removing some of the vineyard and urban land use adjacent to the river, improving stormwater management and removal of nutrients through floodplain reforestation.

The final 2007 project we approved scales down an earlier project proposal with greater floodplain restoration features, but construction and land value cost inflation required a reduction of the scope of the project. The revised project has disappointed some stakeholders in the process, but the project still provides the significant flood protection and floodplain restoration that we support.

**Napa Pipe Facility Cleanup and Redevelopment Plans (Alec Naugle)**

A 30-day public comment period on a revised cleanup plan at the former Napa Pipe facility commenced on June 11 with our distribution of a fact sheet and an announcement in the Napa Valley Register. The Napa Pipe facility, located on the Napa River south of downtown Napa, has a history of steel pipe fabrication and ship building/repair since World War II. The facility is currently under a 1990 Board order to cleanup solvents and petroleum pollution in soil and groundwater. The existing cleanup plan calls for the use of hydraulic containment and natural biodegradation to remedy these problems based on the facility's continued industrial use. However, in 2005, the 152-acre facility was permanently closed and sold. The new owners have since proposed a mixed-use, commercial / residential redevelopment project.

Redevelopment plans now include 3,000 moderate-to-high density town homes (up to three levels) with ground-level and surrounding commercial properties. A key feature of the redevelopment project is public access to the Napa River, possibly in the form of a boat launch, restaurant, and walk/jog/bike trail.

The revised cleanup plan proposes expedited cleanup to residential and commercial standards. Soil cleanup would be accomplished by excavation to about ten feet in certain areas, which is just below the water table. Polluted soil would then be stockpiled awaiting on-site treatment or off-hauling to a landfill. Clean materials would backfill the excavations and then all formerly polluted areas would be re-tested to confirm that appropriate standards are achieved.

The Board's oversight and public review process currently being conducted pertains only to the revised cleanup plan. Napa County is conducting a California Environmental Quality Act (CEQA) review process for the mixed-use residential / commercial redevelopment project. The County's CEQA process will provide opportunity for public review and comment on the redevelopment project. Any revised cleanup plan would not be implemented until after the County's CEQA review process for the redevelopment project is complete, which is anticipated by spring 2008. Prior to that time, Board staff intends to bring to the Board for consideration a tentative order for revised Site Cleanup Requirements, which would approve a revised cleanup plan with any modifications necessary to address public comments.

A copy of the June 11 fact sheet and the proposed Napa Pipe revised cleanup plan are posted on our Website at the following link:

[www.waterboards.ca.gov/sanfranciscobay/sitecleanupdocs.htm](http://www.waterboards.ca.gov/sanfranciscobay/sitecleanupdocs.htm)

**Camp Parks (U.S. Army Combat Support Training Center) (George Leyva)**

A Draft Environmental Impact Statement (Draft EIS) for the Camp Parks facility in Dublin has been released this month for public comment. Board staff attended a public meeting held the evening of June 26, where the Draft EIS was formally presented. Comments on the Draft EIS are due July 14.

The Draft EIS proposes the transfer of a 180-acre portion of the 2478-acre facility to a private organization in exchange for development services for the U.S. Army on the remaining active facility over the next several years.

Board staff is coordinating regulatory oversight efforts with the State Department of Toxic Substances Control (DTSC), the lead agency for the facility, in order to facilitate the remediation and mitigation of environmental issues on the proposed transfer portion. The areas of concern within this portion consist of several sub-sites that are almost exclusively limited to soil contamination. Soil contaminants consist mostly of arsenic, lead, and constituents related to historic waste burning. Other contaminated sub-sites are impacted by petroleum products and will be remediated by treatment or by excavation and removal. Upon completion of remedial activities on the 180-acre portion, the U.S. Army will affect transfer via a federal Finding of Suitability to Transfer (FOST), expected to occur early in 2008.

### **In-house Training**

Our June training was on selected legal topics and was presented by Dorothy Dickey and Wil Bruhns. The training covered: attorney-staff interactions, Public Record Act requirements, findings in Board orders, enforcement, and Water Code section 13267 directives.

On June 27, about 30 staff from our two groundwater divisions participated in a web-based training on uniform site assessment tools; the training was hosted by the State Water Board and included over 120 staff from all nine Regional Water Boards.

### **Staff Presentations**

On June 7, Stephen Hill participated in a meeting of the California Redevelopment Association's Brownfield Committee in Oakland. Participants included local redevelopment agencies, state regulatory agencies (the Water Board and DTSC), private developers, environmental consultants, and environmental attorneys. Mr. Hill updated the group on our experience with the Brownfield memorandum of agreement (among Cal/EPA, DTSC, and the Water Boards) and several Brownfield oversight tools (including the so-called "Polanco" process and the California Land Reuse and Revitalization Act). The committee spent significant time on the issue of tracking institutional controls, something that's critical at cleanup sites with residual contamination.

In late June, Mary Rose Cassa presented "Getting the Word Out: Strategizing Effective Public Communication" at the 2007 USEPA Community Involvement Conference and Training. This dynamic conference brought together more than 450 people from USEPA and its federal, state, tribal, and local partners who plan and implement environmental community involvement, partnership, stewardship, outreach, and education programs. Sandi Potter co-authored the presentation, and Lucy Goodell, a resident of the Colony Park neighborhood in Concord that is affected by groundwater contamination from the Hookston Station site, assisted with the presentation and facilitated a lively group discussion. The audience and presenters alike learned several effective tools to enhance

public outreach. The 2007 conference theme, Community Involvement: Celebrating the Past, Looking to the Future, underscored the educational value of highlighting lessons from the successes of the past and also exploring forward-looking, innovative approaches for government to interact with communities to promote the protection and sustainability of our environment.

On June 22, I provided the introduction to the day-long Long Term Management Strategy (LTMS) Science Symposium, held at the Oakland State Building. For nearly the past ten years, the LTMS has guided management decisions on the disposal and reuse of dredged material from the Bay. At the same time, numerous studies have been funded to guide these management decisions, and this symposium was the first attempt at presenting the results of these studies all in one place, and discussing further research needed in accessing the effect of dredging on the Bay and how we can improve our management of dredged material disposal. About 50 people from agencies, academia, the dredging community, and the public participated and future symposia appear warranted.